

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :

v. : **CRIMINAL NO. 12-239-01**

FRANK G. McALEESE :

a/k/a “Frank George McAleese”

a/k/a “Frank E. MacLaine”

a/k/a “Frank Eastwood MacLaine” :

ORDER

AND NOW, this day of August, 2013, upon consideration of the Government's Motion for Transfer of Defendant to Local Custody, it is

ORDERED

that the defendant Frank G. McAleese, a/k/a “Frank E. MacLaine,” be released to state custody for the limited purpose of the state criminal prosecution at 13-06-00359-I (Superior Court of Salem County, New Jersey), including the arraignment conference scheduled for Monday, August 12, 2013, and to be returned immediately to federal custody upon the earlier of 1) the conclusion of the state proceedings or 2) the receipt of this Court’s order for his the prisoner’s return by the United States Marshals Service to the Philadelphia Federal Detention Center. The state authorities shall release the defendant McAleese, a/k/a “MacLaine,” only to the United States Marshals Service, as the prisoner remains subject to federal custody until further order of this Court.

BY THE COURT:

HONORABLE MITCHELL S. GOLDBERG
Judge, United States District Court

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
v.	:	CRIMINAL NO. 12-239-01
FRANK G. McALEESE	:	
a/k/a “Frank George McAleese”		
a/k/a “Frank E. MacLaine”		
a/k/a “Frank Eastwood MacLaine”	:	

**GOVERNMENT’S MOTION FOR TRANSFER OF DEFENDANT TO LOCAL
CUSTODY**

The United States of America, by its attorneys, Zane David Memeger, United States Attorney for the Eastern District of Pennsylvania, and Eric B. Henson, Assistant United States Attorney, moves that the defendant be released to state custody for the pending state criminal prosecution against him and to be returned immediately to federal custody upon the earlier of 1) the conclusion of the state proceedings or 2) the issuance of a federal writ for his appearance in this federal case. In support of this motion, the government states as follows:

1. On July 2, 2013, the defendant Frank G. McAleese, a/k/a “Frank MacLaine” (USMS Register No. 68336-066), was charged in the Superior Court of Salem County, New Jersey with first degree murder and related charges at docket number 13-06-00350-

I.

2. On May 15, 2012, a federal grand jury in this district returned the above Indictment, charging McAleese, a/k/a “MacLaine,” with three counts of providing false information to a federal firearms licensee, in violation of 18 U.S.C. § 922(a)(6); three counts of making a false statement to a federal firearms licensee, in violation of 18 U.S.C. § 924(a)(1); and

four counts of possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1).

3. On June 22, 2012, having been produced before the Court by the United States Marshals Service (USMS), McAleese, a/k/a “Maclaine,” had his initial appearance in this district on the charges laid in the Indictment. On June 28, 2012, he was ordered detained pending disposition of these charges and is thus committed to federal custody pending the outcome of the case.

4. On July 10, 2013, the Salem County, New Jersey Prosecutor’s Office filed a writ of habeas corpus with the USMS requesting that McAleese, a/k/a “Maclaine,” be transferred to local custody for the purpose of attending his arraignment conference, that is, his initial court appearance on the murder indictment, on Monday, August 12, 2013, the status conference which will follow probably within one month after the arraignment conference, and the following proceedings in the state prosecution. The USMS has informed the Salem County Prosecutor’s Office that the order requested in this motion must be entered by the Court before the USMS will permit the transfer of McAleese, a/k/a “Maclaine,” to Salem County, New Jersey authorities for the scheduled arraignment conference and subsequent proceedings.

5. Counsel for the government has communicated with Salem County Prosecutor’s Office which has assured the government that at the conclusion of the local proceedings or at such time as they receive a federal writ for the prisoner’s transfer back to the custody of the USMS, and at no prior time and to no other authority, they will release the defendant back into federal custody.

WHEREFORE, the government submits that the defendant McAleese, a/k/a “Maclaine,” should be released to state custody for the limited purpose of attending proceedings

in his local murder case, beginning with his arraignment conference on August 12, 2013, and to be returned to federal custody immediately upon the conclusion of those proceedings, or the receipt of a federal writ for McAleese's return to federal custody pending disposition of the federal indictment.

Respectfully submitted,

ZANE DAVID MEMEGER
United States Attorney

/s Eric B. Henson
ERIC B. HENSON
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that I have caused to be served a true and correct copy of the Government's Motion For Transfer of Defendant to Local Custody on this date, by electronic filing, to the following:

James J. McHugh, Jr., Esquire
Defender Association of Philadelphia
Federal Court Division
The Curtis Center Building
601 Walnut Street, Suite 540 West
Independence Square West
Philadelphia, PA 19106

s/ Eric B. Henson
ERIC B. HENSON
Assistant United States Attorney

DATE: August 2, 2013